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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,317	08/05/2003	Anthony D. Studer	200300730-1	7888
22879	7590	01/10/2005	EXAMINER VO, ANH T N	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/634,317

Applicant(s)

STUDER ET AL.

Examiner

Anh t.n Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/05/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

The references cited on PTO 1449 have been considered

### ***Specification***

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

## **CLAIM REJECTIONS**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-5, 8-12, 14, 16, 18-20, 22-23, 26, 28-30, and 32-33 are rejected under 35 USC 102 (e) as being anticipated by Ardito et al. (US Pat. 6,776,479).

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Note: The method steps are inherently taught in the apparatus device/limitations in the rejections as follow:

Ardito et al discloses in Figures 1-5 an ink container for use in an ink jet printer comprising:

- a print head (16);
- an ink reservoir (12) supplying ink to the print head (16) (Figure 1-2);
- at least one compartment (202);
- first (218) and second vents (220) that communicatively couple the compartment (202) to an atmosphere surrounding an exterior of the ink reservoir (12) (Figures 3 and 5);
- a capillary medium (222) located within the compartment (202) for containing ink and acting to prevent the ink from leaking through an outlet (212) of the ink reservoir (12) (Figures 3 and 5);
- wherein the capillary medium (222) is of a hydrophilic material (Figure 5, column 3, lines 14-15);
- wherein a fiber direction of the hydrophilic material is substantially perpendicular to the first and second vents (Figure 5);
- wherein the first (218) and second vents (220) are labyrinth vents (Figures 4-5);
- wherein the first vent (218) is disposed in a cover (204) of the ink reservoir (12) and the second vent (220) is disposed in a wall of the ink reservoir (12) that is opposite the cover (204) (Figures 3-5).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6-7, 13, 15, 17, 21, 24-25, 27, 31 and 34 are rejected under 35 USC 103 (a) as being unpatentable Ardito et al. (US Pat. 6,776,479) in view of Watanabe (US Pat. 6,247,804) and further in view of Childers et al. (US Pat. 6,402,306).

Note: The method steps are inherently taught in the apparatus device/limitations in the rejections as follow:

Ardito et al discloses in Figures 1-5 an ink container for use in an ink jet printer comprising:

- a print head (16);
- an ink reservoir (12) supplying ink to the print head (16) (Figure 1-2);
- at least one compartment (202);
- first (218) and second vents (220) that communicatively couple the compartment (202) to an atmosphere surrounding an exterior of the ink reservoir (12) (Figures 3 and 5);
- a capillary medium (222) located within the compartment (202) for containing ink and acting to prevent the ink from leaking through an outlet (212) of the ink reservoir (12) (Figures 3 and 5);
- wherein the capillary medium (222) is of a hydrophilic material (Figure 5, column 3, lines 14-15);
- 4 wherein a fiber direction of the hydrophilic material is substantially perpendicular to the first and second vents (Figure 5);
- wherein the first (218) and second vents (220) are labyrinth vents (Figures 4-5);
- wherein the first vent (218) is disposed in a cover (204) of the ink reservoir (12) and the second vent (220) is disposed in a wall of the ink reservoir (12) that is opposite the cover (204) (Figures 3-5).

However, Ardito et al. do not disclose the cover having two air vents that are communicated with the ink compartment and a flexible conduit fluidly couples the ink reservoir to the print head.

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Nevertheless, Watanabe discloses in Figures 2-3 an ink tank comprising the cover (8) having two air vents (9a) that are communicated with the ink compartment (6).

Furthermore, Childers et al. disclose in Figure 11 a printing system comprising a flexible conduit (26) fluidly couples the ink reservoir (12) to the print head (24, 30).


It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Watanabe and Childers et al. in the Ardito et al. ink supply system for the purpose of replenishing the ink tank with air by a volume equal to the volume of consumed ink and providing the flexible tube to supply ink from the ink tank to the print head.

#### *Citation of Pertinent Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references (US Pat. 5,784,088; US Pat. 5,801,737; US Pat. 6,692,119) cited in the PTO 892 form show an ink jet cartridge which is deemed to be relevant to the present invention. These references should be reviewed.

#### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.. The fax number of this Group 2861 is (703) 872-9306.

  
ANH T.N. VO  
PRIMARY EXAMINER  
January 8, 2005